

Northeast Florida
Broadcasting Corp.
Baldwin, Florida
File No. BPH-891214NA

AMENDMENT

Northeast Florida Broadcasting Corp. ("Northeast Florida"), respectfully requests that its application for a new FM broadcast station on Channel 289A at Baldwin, Florida, File No. BPH-891214NA, be amended to reflect the following media interest of Ms. Dorothy Wade, a non-voting shareholder in Northeast Florida:

Ms. Wade has a 75% non-voting interest in HBA Broadcasting, Inc., an applicant for a construction permit to build a new FM radio station at Martinez, Georgia, File No. BPH-900125MT.

Because Ms. Wade is a non-voting shareholder in Northeast Florida, insulated from the management and control of the applicant, Ms. Wade's interest in HBA Broadcasting, Inc. is not attributable to Northeast Florida Broadcasting Corp.

**NORTHEAST FLORIDA
BROADCASTING CORP.**

Lillian Holt
President

Dated: June __, 1991

EXHIBIT A

RUBIN, WINSTON & DIERCKS

ATTORNEYS AT LAW

ERIC M. RUBIN, P.C.
JAMES L. WINSTON, P.C.
WALTER E. DIERCKS
STEVEN J. STONE
DESMOND P. BROWN*

1730 M STREET, N.W.
SUITE 412
WASHINGTON, D.C. 20036
(202) 861-0870

TELECOPIER NUMBER
(202) 429-0657

OF COUNSEL
STUART D. RUBIN*
* ADMITTED ONLY IN NEW YORK

April 5, 1990

Ms. Lillian Holt
Northeast Florida Broadcasting Corp.
3716 Bramble Road
Jacksonville, Florida 32210

Re: Amendment regarding Dorothy Wade

Dear Lillian:

Enclosed is an amendment to update the FCC that Dorothy Wade has acquired an interest in another applicant. Please review the amendment, and then sign and return it to our office so that we may file it with the Commission.

If you have any questions concerning this matter, please contact me.

Sincerely,



Desmond P. Brown

Enclosure

Northeast Florida
Broadcasting Corp.
Baldwin, Florida
File No. BPH-891214NA

AMENDMENT

Northeast Florida Broadcasting Corp. requests that its application for a new FM radio station on Channel 289A at Baldwin, Florida, File No. BPH-891214NA, be amended to reflect the attached information.

NORTHEAST FLORIDA
BROADCASTING CORP.

Lillian Holt
President

Dated: April __, 1990

Northeast Florida
Broadcasting Corp.
Baldwin, Florida
File No. BPH-891214NA

AMENDMENT

Northeast Florida Broadcasting Corp. respectfully requests that its response to Question 8 in Section II (regarding the applicant's Legal Qualifications) of its application for a new FM station on Channel 289A at Baldwin, Florida, File No. BPH-891214NA, be amended to update the media interests of Ms. Dorothy Wade, who has acquired an interest in the following:

Ms. Dorothy Wade has acquired a 75% non-voting interest in HBA Broadcasting, Inc., an applicant for a construction permit to build a new FM radio station on Channel 299C2 at Martinez, Georgia, File No. BPH-890114MP

The interest held by Ms. Wade, who is a 75% non-voting shareholder in Northeast Florida Broadcasting Corp., is not attributable to the applicant.

CERTIFICATE OF SERVICE

I, Kathy Nickens, a secretary in the law firm of Rubin, Winston, Diercks & Harris, hereby certify that a copy of the attached PETITION FOR LEAVE TO AMEND AND AMENDMENT was served this 27th day of June 1991, to the following persons by first class mail, postage prepaid:

Honorable Edward Luton
Administrative Law Judge
Federal Communications
Commission
2000 L Street, N.W.
Room 225
Washington, D.C. 20554

Mr. Charles E. Dziedzic
Chief, Hearing Branch
Federal Communications
Commission
Mass Media Bureau
2025 M Street, N.W.,
Room 7212
Washington, D.C. 20554

Chief, Data Management Staff
Federal Communications
Commission
Mass Media Bureau
Audio Services Division
1919 M Street, N.W.,
Room 350
Washington, D.C. 20554

Denise B. Moline, Esq.
McCabe & Allen
9105 Owens Drive
P.O. Box 2126
Manassas Park, Virginia 22111
Counsel for White Broadcasting
Partnership

David Honig, Esq.
1800 N.W. 187th Street
Miami, Florida 33056
Counsel for Peaches
Broadcasting, Ltd.

Allan G. Moskowitz, Esq.
Kaye, Scholer, Fierman,
Hays & Handler
901 15th Street, N.W.
Suite 1100
Washington, D.C. 20005
Counsel for Sage Broadcasting
Corporation

Arthur V. Belendiuk, Esq.
Smithwick & Belendiuk, P.C.
2033 M Street, N.W.
Suite 207
Washington, D.C. 20036
Counsel for Douglas Johnson

Avelino G. Halagao, Esq.
7799 Leesburg Pike, Suite 900
Falls Church, VA 22043
Counsel for JEM Productions,
Limited Partnership

Federal Aviation Administration
Office of Chief Counsel
AGC-230
800 Independence Avenue, S.W.
Washington, D.C. 20591


Kathy Nickens

EXHIBIT 16

DURDEN
P.F.
RECEIVED JUL 08 1991

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 91M-2042
5151

In re Applications of)	MM Docket No. 90-504
)	
PLAYA DEL SOL BROADCASTERS)	File No. BPH-890501MJ
)	
VALDOVINO BROADCASTING, LIMITED PARTNERSHIP)	File No. BPH-890503MO
)	
MICHAEL DURDEN)	File No. BPH-890503MP
)	
For Construction Permit for a)	
New FM Station on Channel 249A)	
in Mecca, California)	

MEMORANDUM OPINION AND ORDER

Issued: June 28, 1991 ; Released: July 2, 1991

1. Under consideration are a Petition to Enlarge Issues Against Valdovino Broadcasting, Limited Partnership, filed on May 17, 1991, by Michael Durden ("Durden"); an opposition thereto filed on May 29, 1991, by Valdovino Broadcasting, Limited Partnership ("VBLP"); and a reply filed on June 17, 1991, by Durden.

2. Durden seeks the addition of real party-in-interest, financial qualifications, and false financial certification issues against VBLP. In support, Durden claims that Salvador Serrano, through his sister Lura Madarang, is a real party-in-interest in VBLP. Serrano is a broadcast consultant who, with his business partner, George Enuton, found VBLP's proposed site, recruited its general partner, prepared its engineering, helped draft its application, brought its limited partners into the application, drafted its partnership agreement, and otherwise guided the VBLP application. Madarang, who is a 40% limited partner in VBLP, has no obligation to contribute funds to the applicant, knows virtually nothing about the applicant, and holds her interest as a surety for her brother, that is, to insure that he and Enuton receive their fee for consulting services. Madarang will transfer her 40% interest to VBLP's general partner if and when Serrano and Enuton are paid.

3. In support of its request for financial and false certification issues, Durden argues that, at the time of certification, VBLP general partner Feliciano Valdovino had no idea about where the money to build the station might come from. After the application was filed, Enuton told Valdovino that her limited partners would provide her with the money to build the proposed station. She never received any information which would show that her limited partners could meet their commitments, but relied on Enuton's verbal assurances that they could do so.

4. In its opposition, VBLP maintains that Serrano is not a real party-in-interest because he will not hold any future interest in the proposed station. VBLP also alleges that, at the time of her financial certification, Valdovino was relying on her own resources, and that they were sufficient to construct and operate the proposed station. In support of this assertion, VBLP supplies Valdovino's balance sheet showing her financial condition as of March 31, 1991.

5. Durden's petition to enlarge issues will be granted. Although Madarang is the legal owner of a 40% interest in VBLP, she admittedly holds that interest on behalf of her brother, who appears to possess and control that interest in all but name. Moreover, at the hearing, Serrano candidly testified that he used his sister to hold this interest because, if he held such interest himself, it would be attributable to the applicant and reduce its integration credit. Under these circumstances, it appears that Serrano and Enuton may be real parties-in-interest in VBLP and the requested issue will be added. Moreover, based upon the above, it appears that the legal and organizational structure of VBLP may be a sham and, on the Presiding Judge's own motion, an appropriate issue will be specified.

6. Financial and false certification issues will also be added. It appears that VBLP had no firm financial plan in place to finance the construction and operation of its proposed station at the time of its financial certification. Moreover, even assuming that VBLP was relying on Valdovino's personal finances, it has failed to establish that she had at the time of certification sufficient net liquid assets to cover the applicant's costs. Similarly, even assuming that VBLP was relying on its limited partners' assets, Valdovino had no concrete, firsthand information at the time of her certification establishing that they could fulfill their commitments. Northampton Media Associates, 4 FCC Rcd 5517, 5518-19 (1989).

Accordingly, IT IS ORDERED that the Petition to Enlarge Issues Against Valdovino Broadcasting, Limited Partnership, filed by Durden on May 17, 1991, IS GRANTED, and the following issues are added to this proceeding:¹

4. To determine whether Salvador Serrano and/or George Enuton is a real party-in-interest in Valdovino Broadcasting, Limited Partnership;
5. To determine whether the legal and/or organizational structure of Valdovino Broadcasting, Limited Partnership, is a sham;
6. To determine whether Valdovino Broadcasting, Limited Partnership, is financially qualified to construct and operate its proposed station;
7. To determine whether Valdovino Broadcasting, Limited Partnership, was financially qualified to construct and operate its proposed station at the time its application was filed;
8. To determine whether Valdovino Broadcasting, Limited Partnership, **falsely certified that it was financially qualified to construct and operate its proposed station; and**
9. To determine, in light of the evidence adduced under Issues 4 through 8, whether Valdovino Broadcasting, Limited Partnership, possesses the basic qualifications to become a Commission licensee.

¹ Under Issues 6 and 7, VBLP must also establish that its limited partners have continually had the ability to fulfill their commitments to all of the pending applications in which they were involved. Breeze Broadcasting Company, Ltd., 5 FCC Rcd 6365 (Rev. Bd. 1990).

IT IS FURTHER ORDERED that because the facts required to resolve these issues are peculiarly within the knowledge of VBLP, the burden of proceeding and the burden of proof on these issues ARE ASSIGNED to VBLP.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, reading "Arthur I. Steinberg". The signature is written in dark ink and is positioned above the printed name and title.

Arthur I. Steinberg
Administrative Law Judge

EXHIBIT 17

SECTION III - FINANCIAL QUALIFICATIONS

Track # 13
Rejected

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue. ☒ Yes ☐ No
2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue. \$ 414,600
3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
Lillian Holt 7235 Sharbeth Dr. South Jacksonville, FL 32210	(904) 771-8824	voting shareholder	\$ 1,000
Dorothy A. Wade 1110 Sweetwood Lane Oakton, VA 22124	(703) 620-6390	nonvoting shareholder	\$203,000
First Georgia Savings Bank P.O. Box 1159 Kingsland, Georgia Attn: Rodney E. Bennett	(912) 729-5673	none	\$500,000

EXHIBIT 18



Peacher #44
Rejected

December 12, 1989

Ms. Lillian Holt
President
Northeast Florida Broadcasting Corp.
1235 Sharbeth Drive
Jacksonville, Florida 32210

Dear Ms. Holt:

First Georgia Savings Bank, F.S.B. is pleased to learn of your intention to apply for a new FM broadcast station in Baldwin, Florida. The purpose of this letter is to advise it is our belief that capital costs and working capital for three months are well within the financial capability of Ms. Wade, the non-voting shareholder in your company.


We have knowledge of the financial strength of Dorothy Wade. We would readily accept her application for any sizeable loan with the belief that she would qualify for a loan up to \$500,000.00, but we would emphasize that she has assets and financial abilities that would probably negate the need for a loan of that size.

Any loan we would grant would mature in 10 years and bear an interest rate of Prime Plus 2%.

While this letter is not intended as a legal commitment from First Georgia Savings Bank, F.S.B., it is intended to provide you and the FCC with a reasonable assurance that funds will be made available on the above terms for the purpose of constructing and operating the proposed station.

We look forward to working with you.

Sincerely,


Rodney E. Bennett
President

CERTIFICATE OF SERVICE

I, David Honig, this 23rd day of September, 1991, hereby certify that I have caused to be placed in U.S. First Class Mail, postage prepaid, the foregoing "Motion to Enlarge Issues" addressed to the following:

Hon. Edward Luton
Administrative Law Judge
Federal Communications
Commission
2000 L Street N.W.
Washington, D.C. 20554

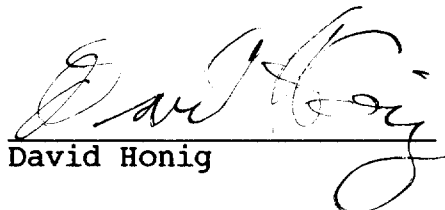
Y. Paulette Laden, Esq.
FCC Hearing Branch
2025 M Street N.W. #7212
Washington, D.C. 20554

Charles Cecil White
and Dianna White d/b/a
White Broadcasting
Partnership
707 Newport Street
Macclenny, FL 32063

Arthur V. Belendiuk, Esq.
Smithwick & Belendiuk
2033 M Street N.W.
Washington, D.C. 20036
Counsel for Johnson

James L. Winston, Esq.
Rubin Winston & Diercks
1730 M St. N.W. #412
Washington, D.C. 20036
Counsel for Northeast

Avelino G. Halagao, Esq.
7799 Leesburg Pike #900
Falls Church, VA 22043
Counsel for JEM


David Honig